

DELTA PROTECTION COMMISSION

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To: Delta Protection Commission
From: Lori Clamurro, Delta Protection Commission Staff
Subject: Legislative Update

WATER**AB 254: Machado: SAFE DRINKING WATER, CLEAN WATER, AND FLOOD PREVENTION ACT**

There would be placed on the November 3, 1998, authorization for the issuance of bonds for purposes of financing a safe drinking water, flood protection, and water quality programs. This bill is similar to SB 312.

STATUS: Senate Committee on Agriculture and Water Resources

AB 609: Margett: RECYCLED WATER

Recycled water producers, retail water suppliers, and entities responsible for groundwater replenishment would be allowed to cooperate in joint studies to determine the feasibility of providing recycled water service and recycled water for groundwater replenishment. The environmental benefits of recycled water include a reduced demand for water in the Sacramento-San Joaquin Delta.

STATUS: Senate Committee on Appropriations

AB 921: Wayne: RECYCLED WATER

The Dept. of Health Services would not be authorized to issue a permit to a public water system or amend a valid existing permit for the use of a reservoir as a source of supply that is directly augmented with recycled water, unless it does all of the following: performs an engineering evaluation of the proposed treatment technology and finds that this technology will ensure that the recycled water meets or exceeds all applicable drinking water standards and poses no significant threat to human health; and holds at least three duly noticed public hearings in the area where the recycled water is proposed to be used or supplied for human consumption.

STATUS: Senate Committee on Environmental Quality

AB 1180: Battin: PUBLIC WATER SYSTEMS

This bill would provide a framework for a general obligation bond law for \$100,000,000 for California's safe drinking water programs. It is too late to be included on the June 2, 1998 ballot; Battin's staff is working on getting \$15,000,000 appropriated, plus federal matching funds, for 1998, and including the rest of the bond act for consideration on the Nov. 3, 1998 ballot.

STATUS: Senate Committee on Agriculture and Water Resources

AB 2027: Machado: WATER TRANSFERS

Parties requesting a water transfer for more than one year would be required to provide a report to the State Water Resources Control Board (SWRCB) on the third party impacts, and the SWRCB would be required to hold a public hearing on such reports. A water transfer clearinghouse would be created to register proposed water transfer agreements in order to facilitate these agreements.

STATUS: Assembly Second Reading, 5/11/98, Item #16

AB 2666: Perata: RECYCLED WATER: GRANTS

The State Water Resources Control Board would be required to award grants to public agencies, universities, and charitable nonprofit organizations, and enter into contracts to conduct, or assist in the financing of, water recycling studies, investigations, and research and development. \$5,000,000 would be appropriated from the General Fund to the board to carry out this grant program.

STATUS: Assembly Committee on Appropriations, 5/6/98. First hearing canceled at the request of author

AB 2710: Kuehl: CALIFORNIA PLAN FOR WATER RELIABILITY BOND ACT OF 1998

The California Plan for Water Reliability Bond Fund would be created, and \$225,000,000 would be transferred to this fund from an unspecified fund. The money would go to the development and implementation of a California Plan that helps to meet Californians' water needs without increasing the competition for water resources in the Sacramento-San Joaquin Delta and other parts of the state. Steps toward achieving the goals of the California Plan include water conservation, water transfers, and water storage. The bill would not become operative if AB 254 is approved by the voters at the Nov. 3, 1998 general election and becomes operative before Jan. 1, 1999.

STATUS: Assembly Committee on Appropriations; hearing scheduled for 5/13/98

SB 312: Costa: SAFE DRINKING WATER, CLEAN WATER, AND FLOOD PROTECTION ACT

A general obligation bond for safe drinking water, clean water, and flood protection programs would be placed on the November 3, 1998 ballot. This bill is similar to AB 254.

STATUS: Assembly Committee on Water, Parks, and Wildlife

SB 1011: Costa: WATER RIGHTS

Current law declares that where water appropriated for irrigation purposes is not used by reason of land fallowing, the reduced usage shall be deemed to constitute water conservation. This bill would include temporary land fallowing or crop rotation as part of this provision. The water or its use may be sold, leased, exchanged, or otherwise transferred; upon the completion of the term of a transfer agreement, the right to the use of the water shall revert to the transferor as if the transfer had not been undertaken.

STATUS: Assembly Committee on Water, Parks, and Wildlife

SB 1765: Costa: SAFE DRINKING WATER STATE REVOLVING FUNDS: MONEYS

The Safe Drinking Water State Revolving Fund Law of 1997 would be amended to allow for leveraging and the payment of administrative and management costs. This bill would authorize the California Infrastructure and Economic Development Bank to issue taxable or tax-exempt bonds and deposit the proceeds into the Safe Drinking Water State Revolving Fund or use the proceeds to refund bonds issued. It would grant additional powers to the Dept. Of Health Services in connection with the issuance of the revenue bonds.

STATUS: Senate Committee on Appropriations; hearing scheduled for 5/18/98

SB 1833: Kelley: COLORADO RIVER: WATER TRANSFERS

This bill would amend the policy of the State to: support efficient use of Colorado River water; satisfy urban demand for water by facilitating the water transfer between Imperial Irrigation District(IID) and San Diego County Water Authority (SDCWA); and reduce the environmental impacts on the Delta of exporting water from the north to the south if the IID/SDCWA transfer does not occur and efficient use of water does not improve.

STATUS: Senate Inactive File

ENVIRONMENT

AB 1625: Richter: FISH AND GAME: PENALTIES

Existing law makes it a crime to place or plant any live fish, fresh or salt water animal, or aquatic plant in any waters of this State without first obtaining written permission from the Dept. of Fish and Game; this bill would make the *attempt* of that crime also unlawful. A fine of up to \$20,000 would be imposed, and imprisonment in the county jail for no more than 6 months for each violation would be authorized.

STATUS: Assembly Committee on Appropriations; hearing scheduled for 5/13/98.

AB 1641: Ashburn: CANDIDATE, ENDANGERED, AND THREATENED SPECIES

Existing law requires the Governor to establish a commission to study the economic impact of protecting candidate, threatened, and endangered species under the California Endangered Species Act. Existing law specifies that moneys appropriated from the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund shall be used for endangered and rare animals and native plant species, related conservation and enhancement programs, and programs for those species which may be candidates for determination as endangered. This bill would appropriate \$200,000 from that account to the Dept. of Fish and Game for costs incurred by that commission in pursuing those activities.

STATUS: Assembly Committee on Water, Parks, and Wildlife, 4/21/98. Failed passage.

AB 2657: Murray: TRANSPORTATION FACILITIES: ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM FUND

Existing law states that it is the intent of the Legislature, commencing July 1, 1991, to allocate \$10,000,000 annually for 10 years to the Environmental Enhancement and Mitigation Demonstration Program Fund. Under this fund, local, state, and federal agencies and nonprofit entities may apply for and receive grants for environmental and mitigation projects related to the environmental impact of modifying existing or the construction/expansion of new transportation facilities. This bill would extend the sunset date to June 30, 2004.

STATUS: Senate Committee on Transportation; hearing scheduled for 6/2/98

SB 157: Johannessen: HABITAT MAINTENANCE FUND

The Habitat Maintenance Fund would be established, and \$500,000 would be transferred to this fund from the General Fund. The Habitat Maintenance Fund would be used by the Dept. of Fish and Game for the purpose of maintaining the wildlife habitat acquired through expenditures from the Habitat Conservation Fund (established by Proposition 117, the California Wildlife Protection Act of 1990).

STATUS: Assembly Committee on Appropriations Suspense File

SB 1363: Alpert: MARINE RESOURCES

The Dept. of Fish and Game (DFG) would be required to conduct and support research to obtain essential fishery information for all marine fisheries managed by the State. In addition, DFG would be authorized to establish a program to place observers onboard commercial and charter fishing vessels to gather data on selected state and federally managed commercial recreational fisheries and on marine predation. DFG would be authorized to contract with the University of California, the California State University, and other specified entities to obtain observer services, and to implement an equitable fee system to fund this observer program.

STATUS: Senate Committee on Appropriations; passed hearing 5/4/98. Will return to Senate Floor; no date set

SB 1771: Johnston: WILDLIFE CONSERVATION AND ENHANCEMENT ACT OF 1998

The Secretary of the Resources Agency, in consultation with the Dept. of Fish and Game, conservation groups, and other interested parties, would be required to develop a statewide investment strategy for the long-term conservation, protection, restoration, and enhancement of California's native fish, plant, and animal species, and to submit a draft of that investment strategy to the Legislature on or before Jan. 1, 2000. This bill would also require the Secretary and Department to establish a wildlife conservation funding advisory council to implement a statewide matching fund program.

STATUS: Senate Committee on Appropriations; hearing scheduled for 5/11/98

SB 1784: Hayden: CALIFORNIA BIODIVERSITY AND HABITAT PROTECTION ACT

The California Endangered Species and Biodiversity Account would be created by this bill, and the Controller would be required to transfer \$1 for each resident of the State into this fund within the Resources Trust fund. This bill would continuously appropriate the funds in the account for capital costs related to the recovery of species listed as candidate, threatened, or endangered, including habitat acquisition and restoration. The Governor, with the concurrence of the Senate Committee on Rules, would be required to convene an interagency task force to conserve biodiversity and candidate, threatened, and endangered species on or before July 1, 1999. Finally, the bill would require that all state governmental agencies, boards, and commissions make a finding that the expenditure or transfer promotes biodiversity and candidate, threatened, and endangered species *prior* to the expenditure or transfer of funds for habitat acquisition and other related purposes.

STATUS: Senate Committee on Rules

AGRICULTURE

AB 1058: Cardoza, Kelley: MILK MARKETING

Existing law prohibits a dairy cow farm that was marketing market milk on Aug. 1, 1996, from marketing manufacturing milk, but permits it to elect to market manufacturing milk for the 12-month period beginning Jan. 1, 1997, or the 12-month period beginning Jan. 1, 1998, or for both of those time periods. This bill would continue that existing law beyond Jan. 1, 1999, by eliminating that repeal date. It would permit a dairy farm to elect annually on Jan. 1 to market manufacturing milk for a 12-month period.

STATUS: Chaptered on 5/5/98

AB 1699: Ortiz: AIR POLLUTION: RICE STRAW BURNING

Existing law, the Connelly-Arcias-Chandler Rice Straw Burning Reduction Act of 1991, limits the burning of rice straw in the Sacramento Valley Air Basin and specifies the number of acres that may be burned in specified spring and fall months. The act requires that the number of allowable acres to be burned each day be determined by the State Air Resources Board. This bill would require the Board to establish a fine particulate matter monitoring program in cooperation with Districts in and adjacent to the Sacramento Valley.

STATUS: Assembly Committee on Appropriations; hearing scheduled for 5/27/98

LAND USE

SB 1182: Costa: AGRICULTURAL LAND: PRESERVATION PROGRAMS: FARMLAND SECURITY ZONES

Existing law, known as the California Land Conservation Act of 1965 (Williamson Act), authorizes a city or county, by contract, to limit the uses of land to agricultural uses or as an agricultural preserve in exchange for reduced property taxes. SB 1182 would make technical changes in provisions of law relating to subventions of state funds to replace reduced property taxes. It would authorize 2 or more landowners to petition a county board of supervisors to convert a contract or contracts entered into pursuant to the Act to a new contract designating the property as a farmland security zone (FSZ), and would specify the type of land to which this designation would apply. The initial term of a FSZ contract shall be no less than 20 years, and each contract shall provide for yearly automatic extensions unless a notice of nonrenewal is given.

STATUS: Amended 5/7/98. Re-referred to Assembly Committee on Natural Resources

SB 2080: O'Connell: LAND AND WATER CONSERVATION

The California Land and Water Conservation Act of 1998 would be enacted; the Secretary of the Resources Agency would implement a program under which qualified property may be contributed to the state, any local government, or any nonprofit organization designated by a local government, based on specified criteria in order to provide for the specified protection of wildlife habitat, open space, and agricultural lands. This bill would authorize a credit against those taxes under the Personal Income Tax Law and the Bank and Corporation Tax Law, in an amount equal to 55% of the fair market value of any qualified contribution.

STATUS: Amended 4/22/98. Senate Committee on Appropriations; hearing scheduled for 5/18/98

RECREATION

AB 2624: Ducheny: PARKS AND RESOURCES IMPROVEMENT: BOND ACT

The Parks and Resources Improvement Bond Act of 1998 would authorize the issuance of bonds in the amount of \$1,302,500,000 for the purpose of financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources. This bond act would take effect immediately as an urgency statute.

STATUS: Assembly Committee on Rules, 4/14/98. First hearing canceled at the request of author

SB 2: Thompson: PARKS AND RESOURCES IMPROVEMENT: BOND ACT

The Watershed, Wildlife, and Parks Improvement Bond Act would authorize the issuance of bonds in the amount of \$849,500,000 for the purpose of financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources. This bond act would be submitted to the voters at the Nov. 3, 1998 general election.

STATUS: Amended 4/27/98. Assembly Committee on Appropriations

SB 2207: Sher: VESSELS: RENEWAL REGISTRATION FEES: VOLUNTARY CONTRIBUTIONS

This bill would authorize the fee for renewal of a certificate of registration for a vessel to include a voluntary contribution for the removal of navigational hazards and vessel pumpout facilities. Any contributions would be deposited either in the Navigational Hazard Removal Fund or the Mobile Vessel Pumpout Facility Fund (which this bill would establish). This would be under the control of the State Lands Commission.

STATUS: Assembly First Reading, 5/7/98. Held at desk

LEVEES

AB 1281: Bustamante: ENDANGERED SPECIES AND FLOOD CONTROL LEVEES

The Dept. of Fish and Game would be required to conduct a study, in consultation with the Department of Water Resources, of the effect of threatened and endangered species and their habitat on flood control levees by July 1, 1998.

STATUS: Senate Inactive File

AB 2340: Frusetta: STREAMBED ALTERATIONS

Current law requiring various compliance activities before altering the flow of a river or stream would be amended. If the Dept. of Fish and Game (DFG) does not respond to a plan to change a streambed within 30 days, the applicant may start work; DFG would be prohibited from conditioning the work on compliance with State or federal regulation or reports required by CEQA; emergency work and preventative maintenance work are defined; emergency work, preventative maintenance on dams, levees, streambeds, or river channels and stock ponds or irrigation ditches associated with farming would be exempt from current law if DFG is notified of the work within 14 days of beginning the project.

STATUS: Assembly Committee on Water, Parks, and Wildlife; set, second hearing. Failed passage

SBX1 8: Johannessen: STREAMBED ALTERATIONS

Current law requires a governmental agency or public entity to submit prescribed plans and other information to the Dept. of Fish and Game, and requires those entities and other persons to follow prescribed procedures concerning a project that will affect a river, stream, or lake designated by the department, except certain emergency work. This bill would also include within that exception work subsequently performed to restore the conditions existing prior to the emergency.

STATUS: Senate Committee on Natural Resources and Wildlife, 3/24/98. Hearing postponed

FLOOD/DISASTER RELIEF

ABX1 13: Baca: DISASTER RELIEF: EL NINO

The Natural Disaster Assistance Act requires the Director of Emergency Services to administer a program that provides financial assistance to local agencies for the repair, restoration, or replacement of public property of the agency that is damaged or destroyed by a natural disaster. It limits the State share for any eligible project to be 75% of total state eligible costs, except for certain occurrences for which the State share may be 100% of these total costs. This bill would add the storms occurring in California as a result of El Nino to those occurrences for which the State share may be 100% of total State eligible costs. It would take effect immediately as an urgency statute. This bill is similar to AB 2510.

STATUS: Assembly Committee on Appropriations Suspense File; hearing scheduled for 5/27/98

AB 455: Richter: EMERGENCY SERVICES: FLOOD EMERGENCY ACTION TEAM (FEAT) RECOMMENDATIONS

The Office of Emergency Services (OES) and the Dept. of Water Resources would be required to conduct annual flood emergency workshops, and the OES would also be required to develop a federal and state disaster assistance matrix describing the types of assistance provided. These actions were recommended by the FEAT in their 1997 report, and they would be undertaken during the 1997-98 fiscal year, with a report to the Legislature no later than July 1, 1998.

STATUS: Senate Committee on Appropriations

AB 1853: Machado, Knox, Kuehl, Kuykendall, Mazzoni, Sweeney: LOCAL DISASTER PREPAREDNESS TRUST FUND

\$40,000,000 would be appropriated from the General Fund for future appropriation by the Legislature to local agencies for disaster preparedness and hazard mitigation. Eligible agencies would be required to develop a five-year work plan of disaster preparedness and hazard mitigation goals and objectives.

STATUS: Assembly Committee on Appropriations Suspense File; hearing scheduled for 5/27/98

AB 2023: Gallegos: FLOOD CONTROL AND WATER CONSERVATION: LIABILITY

Neither a public agency that operates flood control and water conservation activities, nor its employees, shall be liable for an injury caused by the condition of streambeds or adjacent groundwater recharge spreading grounds if, at the time of the injury, the person was using the property for any purpose other than that for which the public agency intended it to be used. Subject to certain conditions, and does not exonerate the agency from liability under a number of other circumstances.

STATUS: Senate First Reading, 5/7/98. To Senate Committee on Rules for assignment

AB 2105: Machado: DEPT. OF WATER RESOURCES: DISASTER OPERATIONS

The Department of Water Resources (DWR) would be authorized to encourage the development of flood-fighting plans by local flood control agencies, by outlining specific flood-fighting strategies, reviewing the plans for consistency and technical appropriateness, and acting as a central depository for the plans. DWR would be authorized to use these flood-fighting plans for responding to the threatened or actual failure of a levee or other flood control structure.

STATUS: Assembly Committee on Appropriations Suspense File; hearing scheduled for 5/27/98

AB 2510: Strom-Martin: DISASTER RELIEF

The flooding that began on Feb. 2, 1998, would be added to the list of disasters eligible for 100% of total State eligible costs under the Natural Disaster Assistance Act.

STATUS: Assembly Committee on Appropriations; hearing scheduled for 5/13/98

AB 2657: Brewer: WATER: FLOOD CONTROL SUBVENTIONS

An unspecified amount would be appropriated from the General Fund to the Department of Water Resources for payment to local entities of the State's share of local flood control projects.

STATUS: Assembly Committee on Appropriations Suspense File; hearing scheduled for 5/27/98

STATE AGENCIES

AB 2503: Goldsmith, McClintock: STATE AGENCIES: CONTINUATION

Every State agency, except for agencies directly administered by an elected state officer or an elected governing board or any agency established by the California Constitution, that existed in State government on or before January 1, 1998, would be abolished on Jan. 1, 2005, unless the Legislature authorizes continuation of the agency by statute prior to that date.

STATUS: Assembly Committee on Consumer Protection; set, first hearing. Failed passage. Reconsideration granted.

AB 2621: Cardoza: DEPT. OF CONSERVATION (DOC): FARMLAND MAPPING

\$500,000 would be appropriated from the General Fund to fund DOC's farmland mapping program, and would require DOC, in cooperation with the U.S. Dept. Of Agriculture's Natural Resources Conservation Service, to use those funds to complete any unfinished soil surveys that are necessary to complete farmland mapping activities in areas where the existing series of maps is incomplete.

STATUS: Assembly Committee on Appropriations Suspense File; hearing scheduled for 5/21/98

SB 1075: Johnston: DELTA PROTECTION COMMISSION

Various clarifying and technical changes would be made to the Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992, and would extend the sunset date of the Delta Protection Commission to Jan. 1, 2010.

STATUS: Assembly Committee on Appropriations Suspense File

Tentative 1997-1998 Legislative Calendar

1998

Thursday, January 1	Statutes take effect
Monday, January 5	Legislature reconvenes
Saturday, January 10	Budget must be submitted by Governor
Friday, January 16	Last day for policy committees to hear and report to Fiscal Committees fiscal bills introduced in their house in 1997 Last day to submit 1998 bill requests to the Office of Legislative Counsel
Thursday, January 22	Last day for a legislative measure to qualify for the primary election (June 2) ballot
Friday, January 23	Last day for any committee to hear and report to the Floor bills introduced in their house in 1997
Saturday, January 31	Last day for each house to pass bills introduced in 1997 in their house
Friday, February 20	Last day for bills to be introduced
Thursday, April 2	Easter Recess begins at end of this day's session
Monday, April 13	Legislature reconvenes
Friday, April 24	Last day for Policy Committees to hear and report to Fiscal Committees Fiscal Bills introduced in their house
Friday, May 8	Last day for policy committees to report non-fiscal bills introduced in their house to Floor
Friday, May 15	Last day for policy committees to meet prior to June 1
Friday, May 22	Last day for Fiscal Committees to hear and report to the Floor bills introduced in their house Last day for Fiscal Committees to meet prior to June 1
Friday, May 29	Last day for bills to be passed out of the house of origin
Monday, June 1	Committee meetings may resume
Monday, June 15	Budget must be passed by midnight

Thursday, June 25	Last day for a legislative measure to qualify for the general election (Nov. 3) ballot
Friday, July 3	Last day for policy committees to meet and report bills Summer Recess begins at the end of this day's session if Budget Bill has been enacted
Monday, August 3	Legislature reconvenes
Friday, August 14	Last day for Fiscal Committees to meet and report bills to Floor
August 17-31	Floor Session only. No committees, other than conference committees, may meet for any purpose
Monday, August 31	Last day for each house to pass bills Final Recess begins at end of this day's session
Wednesday, September 30	Last day for Governor to sign or veto bills passed by the Legislature after Sept. 1
Friday, October 2	Bills enacted on or before this date take effect on Jan. 1, 1999
Monday, November 30	Adjournment <u>Sine Die</u> midnight
Monday, December 7	12M Convening of the 1999-2000 regular Session
1999	
Friday, January 1	Statutes take effect
Monday, January 4	Legislature reconvenes